

House File 580 - Introduced

HOUSE FILE 580
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 144)

A BILL FOR

- 1 An Act relating to the sale, lease, or rental of water
- 2 treatment systems and including effective date and
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 714.16, subsection 1, paragraphs b, c, d,
2 g, h, and l, Code 2015, are amended by striking the paragraphs.

3 Sec. 2. Section 714.16, subsection 2, paragraph h, Code
4 2015, is amended by striking the paragraph and inserting in
5 lieu thereof the following:

6 h. It is an unlawful practice for a person to sell,
7 lease, rent, or advertise the sale, lease, or rental of a
8 water treatment system in this state, for which claims or
9 representations of removing health-related contaminants are
10 made, unless the water treatment system complies with all of
11 the following:

12 (1) The water treatment system has all claims or
13 representations of removing health-related contaminants
14 certified by a certification body accredited by the American
15 national standards institute.

16 (2) The water treatment system has met the performance
17 testing requirements applicable to that water treatment system
18 as specified by the national sanitation foundation and the
19 American national standards institute.

20 Sec. 3. EFFECTIVE DATE. This Act takes effect July 1, 2016.

21 Sec. 4. APPLICABILITY. The section of this Act amending
22 section 714.16, subsection 2, paragraph h, applies to the
23 sales, leases, and rentals of water treatment systems, and
24 the advertisement of the sale, lease, or rental of a water
25 treatment system, which occur on or after July 1, 2016.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the sale, lease, rental, or
30 advertisement of water treatment systems.

31 Under current law, it is an unlawful practice for a person to
32 sell, lease, rent, or advertise the sale, lease, or rental of a
33 water treatment system for which claims or representations of
34 removing health-related contaminants are made, unless the water
35 treatment system is performance tested by a third-party testing

1 agency authorized by the department of public health or the
2 manufacturer tested the system and the manufacturer's data is
3 accepted by a third-party evaluator which was approved by the
4 department of public health; the water treatment system has met
5 the performance testing requirements specified in the testing
6 protocol; the water treatment system bears a label stating,
7 "IMPORTANT NOTICE - Read the Manufacturer's Performance Data
8 Sheet" and is accompanied by the manufacturer's performance
9 data sheet, which includes general information about the
10 water treatment system and performance and test data showing
11 the contaminants certified to be reduced; and the consumer
12 information pamphlet compiled by the department of public
13 health is included with the water treatment system.

14 Under Code section 714.16, the attorney general may
15 investigate a person the attorney general believes is engaged
16 in an unlawful practice and seek and obtain injunctive relief
17 against such a person. Code section 714.16 also permits a
18 court to impose a civil penalty against a person who committed
19 an unlawful practice.

20 The bill amends the requirements so that the sale, lease,
21 rental, or advertisement of a water treatment system is not an
22 unlawful practice if the claims and representations related
23 to removal of health-related contaminants are certified by
24 a certification body accredited by the American national
25 standards institute and the water treatment system has met
26 the performance testing requirements applicable to that water
27 treatment system as specified by the national sanitation
28 foundation and the American national standards institute.
29 Under the bill, the testing body or agency is not required to
30 be authorized or approved by the department of public health.

31 The bill eliminates the requirements that a consumer
32 of a water treatment system be provided the manufacturer's
33 performance data sheet or a consumer information pamphlet
34 compiled by the department of public health.

35 The bill does not affect Code section 714.16(2)(i) or Code

1 section 714.16(2)(j), both of which also relate to the sale,
2 lease, rental, or advertisement of a water treatment system.
3 Under Code section 714.16(2)(i), it is an unlawful practice for
4 a person to sell, lease, rent, or advertise a water treatment
5 system in this state for which false or deceptive claims or
6 representations of removing health-related contaminants are
7 made. Under Code section 714.16(2)(j), it is an unlawful
8 practice for a person to make any representation or claim
9 that the seller's water treatment system has been approved or
10 endorsed by any agency of the state.

11 The bill takes effect July 1, 2016, and applies to the sales,
12 leases, rentals, or advertisements of water treatment systems
13 which occur on or after July 1, 2016.